IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.806 OF 2005

Smt.Sumitra Maruti Mayekar & ors. .. Petitioners
v/s.
The Chief Officer RR
Mumbai Bldg. Repairs and
Reconstruction & ors. .. Respondents

Mr.S.A. Sawant for petitioners.

Mr.Rajiv Mane, AGP for res.Nos.1 & 2.

Ms.P.A.Purandare for res.No.3.

Mr.Vachan Bodke i/by Chitnis Vaithy & Co. for res.No.4.

Mr.Rajesh Datar for res.Nos.5 & 6.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATE : 12TH APRIL 2005

P.C. :

1. Heard the learned Counsel for the parties.

2. The grievance of the petitioners is that the Secretary of the Society, respondent No.5 and the developer did not follow either the lottery system or did not allot the flats as per the numbers that they were having prior to the reconstruction. Their further grievance is that they are allotted such flats wherein the entrance

is through the kitchen. A reply has been filed by the Secretary of the Society giving the explanation as to why this has happened. There may be some substance in what is contended in the petition. However, by now, we are told that all the allottees have moved into their respective premises. It will not be, therefore, fair to disturb the persons (who have already moved in) at the instance of these three petitioners. We, however, clarify that it will be open to the petitioners to take it up with the developer, MHADA and the Municipal Corporation the question of changing the entrance of their premises. That will, however, be provided, if it is feasible. Petition is disposed of.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)